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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:23-CR-269 JSW-3
)	
Plaintiff,)	NOTICE
)	
v.)	
)	
DEVON CHRISTOPHER WENGER,)	
)	
Defendant.)	

In advance of the retrial in the above-captioned matter, *United States v. Wenger*, 23-CR-269 JSW-3, the United States provides notice that it intends to introduce records seized from Defendant Wenger's phone into evidence in its case-in-chief. The government notified counsel for Defendant of this on April 9, 2025.

In June 2024, the government previously stated that it would not offer records from Defendant Wenger's phone during its case-in-chief in this case against Defendants Amiri, Rombough, and Wenger, maintaining that it did intend to offer such records into evidence in related case *United States v. Wenger*,

23-CR-268 JSW and would oppose a motion to suppress on the merits. *See* Dkt. No. 125. The Court subsequently considered and denied each of Defendant Wenger's supplemental motions to suppress and motions for reconsideration on the suppression issue in both this case and related case 23-CR-268 JSW, which the government opposed as moot (in this case) and on the merits (in both cases). *See* Dkt. Nos. 180, 236; *see also* 23-CR-268 JSW, Dkt. No. 144.

This case proceeded to jury trial as to co-defendant Morteza Amiri and Defendant Wenger in March 2025, and the government did not offer records from Defendant Wenger's phone during its case-in-chief. After two days of jury trial, this Court granted defendant Wenger's motion for a mistrial and severed the trial. Dkt. Nos. 350, 352.

This case was subsequently set for retrial in July 2025 as to Defendant Wenger. Dkt. No. 421. The government hereby provides notice that it intends to introduce records seized from Defendant Wenger's phone into evidence during its case-in-chief in this retrial.

DATED: April 10, 2025

Respectfully submitted,

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/s/
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